IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.E.N.PATRUDU

WRIT PETITION NO :25908 of 2005

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Dated: 4th January 2006.

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Between:

The Special Secretary to Government and Chief Commissioner of Land Administration, A.P. and others

..... PETITIONERS

AND

R.Narasimhulu, Dy. Tahsildar O/O District Supply Officer, Ranga Reddy District and other

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.E.N.PATRUDU

W.P.NO.25908 OF 2005

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

The respondents in O.A.No.2695 of 2005 on the file of the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal') are the petitioners herein. The respondents herein were the applicants in the abovementioned O.A. It appears that they were selected as Junior Assistants in the year 1976 by the District Selection Committee. In the year 1982 a seniority list was prepared based on the ranking given by the District Selection Committee to the various successful candidates to the selection. Subsequently, in the year 1983 the seniority list was revised and the seniority was communicated with reference to the date of actual date of joining the service. The said seniority list came to be challenged in an earlier application before the Tribunal in O.A.No.874 of 1996, which was allowed by order dated 22nd November 1996, holding that the revision affected in the year 1983 is not in accordance with law, consequently directing the petitioners herein to restore the original seniority as subsisting in the year 1982. In spite of the said decision of the Tribunal, the respondents' seniority was not restored. In the meanwhile, some of the juniors of the respondents herein secured promotions in the service. Thereafter, the present O.A., came to be instituted (O.A.No.2695 of 2005), praying that they also should be promoted as Mandal Revenue Officers with effect from 14-06-2005 on par with their juniors. Along with the said O.A., a miscellaneous application seeking substantially the same relief as that of the O.A., was filed, which was allowed by the Tribunal and hence, the present writ petition.

The only submission made by the learned Government Pleader for Services-II is that wherever the prayer in the main application and the interlocutory

application are identical, normally, such relief is not granted by way of an interlocutory order and therefore, the order under challenge in the present writ petition is liable to be *set aside*.

The learned Government Pleader further submits that though the normal consequence of the restoration of the seniority of the respondents, pursuant to the order dated 22nd November 2002, is that, they are entitled for promotion on par with their juniors, the requirement of law of putting the said juniors to the respondents on notice about the proposed action of restoring the seniority of the respondents has not yet been complied with. Therefore, the cases of the respondents could not be considered for promotion.

Though, as a matter of procedural regularity, the parties, who are likely to be affected by an order of the judicial body such as the one passed in O.A.no.874 of 1996, the fact that a period of three years lapse from the date of the order, only demonstrates the absolute indifference of the writ petitioners herein in implementing the orders of the Tribunal. As a consequence, the relief secured by the respondents in the abovementioned O.A., remained only on paper without getting transformed into action.

In the circumstances, though the order under challenge is an interim order, we are of the opinion that it needs no interference, in exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution.

The writ petition, therefore, is dismissed at the stage of admission. However, we deem it appropriate and direct that the O.A. itself is disposed of as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of the order.

J.Chelameswar, J

M.E.N.Patrudu, J

4th January 2006

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